



January 8, 2009

**MONTANA COUNTY ATTORNEYS ASSOCIATION**

**34 West Sixth Avenue • Suite 2E**

**Helena, Montana 59601**

SENATE JUDICIARY  
EXHIBIT NO. 2  
DATE 1/9/09  
BILL NO. SB 45

Senator Laslovich;

At the Senate Judiciary Committee's hearing yesterday on SB 45 you asked for information on whether or not all counties charge the Office of Public Defender (OPD) for making paper copies or copies of videos or dvds during 'discovery' in a criminal proceeding.

Understanding that the Committee may take its Executive Action on SB 45 as early as Friday (Jan. 9<sup>th</sup>), here are the findings to date:

As of this (Thursday) afternoon, I have heard back directly from the following fourteen (14) counties: Daniels, Flathead, Jefferson, Lincoln, Liberty, Rosebud, Toole, Park, Fallon, Carter, Beaverhead, Lake, Fergus, Sanders.

None of these counties charge the OPD for making copies. In some counties the OPD is asked to bring in a blank video tape or a blank dvd. That's it.

Upon reflection, and after hearing from these counties, I am beginning to believe that the bill, SB 45, deals with a few local situations, not a statewide situation or problem.

I spoke with Rep. Menahan about the difficulties between the OPD and the County Attorney in Lewis & Clark County. I asked him to talk to you about that local situation, which is the one that I believe generated SB 45.

My thinking is that the Senate Judiciary ought to table SB 45 and say in no uncertain terms to the OPD and the county attorneys: **WORK IT OUT AT THE LOCAL LEVEL.**

One more comment, if you please. It was implied at the hearing yesterday by Mr. Freebourn that the Montana County Attorneys Association is spreading the word that the county attorneys ought to be billing the OPD for these services. This is not true.

*Thanks,*

*Jim Smith*

*443-1570 (W)*

*443-0606 (H)*

*949-1002 (cel).*

BEAVERHEAD	DILLON	<i>No chg.</i>	
BIG HORN	HARDIN		
BLAINE	CHINOOK		
BROADWATER	TOWNSEND		
CARBON	RED LODGE		
CARTER	EKALAKA	<i>No chg.</i>	
CASCADE	GREAT FALLS		
CHOUTEAU	FORT BENTON		
CUSTER	MILES CITY		
DANIELS	SCOBEE	<i>No chg.</i>	
DAWSON	GLENDALE		
DEER LODGE	ANACONDA		
FALLON	BAKER	<i>No chg.</i>	
FERGUS	LEWISTOWN	<i>No chg.</i>	
FLATHEAD	KALISPELL	<i>No chg Paper - chg video only.</i>	
GALLATIN	BOZEMAN		
GARFIELD	JORDAN		
GLACIER	CUT BANK		
GOLDEN VALLEY	RYEGATE		
GRANITE	PHILIPSBURG		
HILL	HAVRE		
JEFFERSON	BOULDER	<i>No chg Paper - chg videos only.</i>	
JUDITH BASIN	STANFORD		
LAKE	POLSON	<i>No chg.</i>	
LEWIS & CLARK	HELENA		
LIBERTY	CHESTER	<i>No chg.</i>	
LINCOLN	LIBBY	<i>No chg.</i>	
MADISON	VIRGINIA CITY		
McCONE	CIRCLE		
MEAGHER	WHITE SULPHUR SPRINGS		
MINERAL	SUPERIOR		
MISSOULA	MISSOULA		
MUSSELSHELL	ROUNDUP		
PARK	LIVINGSTON	<i>No chg</i>	
PETROLEUM	WINNETT		
PHILLIPS	MALTA		
PONDERA	CONRAD		
POWDER RIVER	BROADUS		
POWELL	DEER LODGE		
PRAIRIE	TERRY		
RAVALLI	HAMILTON		
RICHLAND	SIDNEY		
ROOSEVELT	WOLF POINT		
ROSEBUD	FORSYTH	<i>NC</i>	
SANDERS	THOMPSON FALLS	<i>NC</i>	
SHERIDAN	PLENTYWOOD		
SILVER BOW	BUTTE		
STILLWATER	COLUMBUS		
SWEET GRASS	BIG TIMBER		
TETON	CHOTEAU		
TOOLE	SHELBY	<i>NC</i>	
TREASURE	HYSHAM		
VALLEY	GLASGOW		
WHEATLAND	HARLOWTON		
WIBAUX	WIBAUX		
YELLOWSTONE	BILLINGS		

# MONTANA

